UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,758	07/15/2003	Christopher Vienneau	30566.335-US-01	7388

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EXAMINER
AUGUSTINE, NICHOLAS

ART UNIT	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
12/28/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>06 December 2010</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-32*.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

   11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

   <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.

13. ☒ Other: <u>See Continuation Sheet.</u>

/Weilun Lo/
Supervisory Patent Examiner, Art Unit 2179

Continuation of 11. does NOT place the application in condition for allowance because: The 35 USC 112 claim rejection remains. Applicant provided in remarks that cited paragraphs 1-6, 44-47, 51, 54-59 and 99 from specification supports the claims. These paragraphs to do not define two-dimensional data, specifically the limitation "generating a 2D image frame", "first 2D user input data", "wherein said first 2D user input data comprises x,y coordinate input data". In paragraph 51 of the PG-Pub it is defined that the application data 403 includes node data 406-411 to be processed in order to generate the current image frame (wherein the first limitation is the generation of an image frame). Thus the image frame
is made up of application data 403 which is made up of at least node data 406-411. Paragraph 52 defines node data, i.e. 406 as being three-dimensional data not two-dimensional data. Throughout the whole disclosure the invention is concerned with three-dimensional space (for example par. 52, 53, 71-73, 79-83, 98, 102, 122-124...). Applicant makes the statement that RGB data as described in paragraph 47 is 2D data as known in the art. Examiner does not agree as known in the art RGB data is a set of values to reference a color for a pixel to be rendered for a desired medium, does not limit it nor describes itself as "2D data". Applicant makes mention that paragraph 46 of specification mentions that bitmap files are used as textures for 3D model and is apart of node data; Examiner notes that Grinstein teaches this as depicted in figure 71, item 610. The specification describes in detail of a 3D scene displayed within a 3D display port comprising 3D models and the user being able to see a hierarchical structure of the scene. Examiner has shown how Grinstein teaches this same exact system in the previous rejection and maintains the rejection. Further Grinstein teaches a x y plane and editing on that plane (col.37, line 57; thus 2D plane and 2D xy input data is present within Grinstein). Examiner would recommend amending the claims away from 2D data towards 3D data and how the method of displaying a scene and interacting with the scene is different from Grinstein .

Continuation of 13. Other: Claim objection for claim 25 is withdrawn due to amendment. Specification objection is withdrawn due to amendment .